

Rec'd PCT/PTO 04 APR 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



BEST AVAILABLE COPY

Applicant's or agent's file reference FUELM-20.PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/CA 03/01475	International filing date (day/month/year) 06.10.2003	Priority date (day/month/year) 04.10.2002
International Patent Classification (IPC) or both national classification and IPC F17C5/00		
Applicant FUELMAKER CORPORATION et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 04.05.2004	Date of completion of this report 12.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Ott, T Telephone No. +49 89 2399-7292 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01475**

BEST AVAILABLE COPY

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-17 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01475**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

BEST AVAILABLE COPY

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATE OF THE ART - CLOSEST PRIOR ART

Closest prior art **D1**

DE 198 59 423 C (HERMANN HEINZ BURGER GAS UND W) 20 April 2000

State of the art **D2**

CH 676 951 A (SULZER AG) 28 March 1991

2. OPINION

Problem

Motor vehicles operating on gaseous fuels can be refueled at the residence. Existing refueling compressors are floor-mounted usually near the vehicle parking area inside the garage. **Closest prior art DE19859423** discloses a vehicle filling station positioned on the ground. Prior art **CH676951** discloses a compact refueling device designed to be anchored to the ground. An additional compressor can be mounted near the roof in the supply line of the filling station. These devices waste precious room inside the residence and require additional impact protection as they might be run into by the vehicle.

Solution

Independent claim 1 as well as independent claim 12 disclose an appliance for refueling gaseous fuel motor vehicles comprising a housing with motor and compressor, gas in- and outlet mounted on an upright support at a height above 36, respectively 48 inches from the ground. By providing a compact system and mounting it above the height of the hood of standard passenger vehicles, the costs of impact protection can be avoided.

Novelty, inventive step, industrial activity

Mounting the compact device above the ground on an upright support above the height of 36 (claim 1) or 48 (claim 12) inches is neither known nor rendered obvious by available prior art, as the devices are explicitly mounted on the floor therein. The subject-matter of claim 1 is thus novel and inventive. Refueling vehicles is an industrial application.

3. OTHER REMARKS

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01475

Two-part form

Rule 6.3(b) PCT

The claims are not in two-part form, those features known from D1 being included in the preamble and the others in the characterising part, both parts separated by the expression "characterized in that".

Reference signs

Rule 6.2(b) PCT

Claims are not provided with reference signs placed in parentheses.

Conciseness

Article 6 PCT

The various definitions given in independent product claims 1 and 12 and their respective dependant claims disclose an overlapping scope and are as a whole not clear and concise. The number of independent claims should have been limited to the strict minimum in each category followed by dependent claims covering features which are merely optional.

Metric units

Rule 10.1(a) PCT

Metric units should have been additionally used (claims 1, 12, description...).

Background art

Rule 5.1 (a)(ii) PCT

The relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, D1 not identified as "closest prior art".

BEST AVAILABLE COPY